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BEFORE THE RESEARCH & SPECIAL PROGRAMS ADMINISTRATION

UNITED STATES DEPARTMENT OF TRANSPORTATION

In the matter of:

Hazardous Materials : (HM-229) Revisions to the Incident Reporting  
Requirements and the Detailed Hazardous Materials  
Incident Report DOT Form F 5800.1

Filed by:

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Before the Administrator:

National Tank Truck Carriers, Inc. is a trade association representing approximately 200 motor carriers specializing in the nationwide transportation of hazardous materials in cargo tank motor vehicles. Virtually our entire membership is subject to the regulatory jurisdiction of the Research and Special Programs Administration, thus our interest in this proposal is substantial.

At the outset, NTTC wants to advise the Administrator that -- for the past several months -- this Association and its representatives have been regular participants in an informal group referred to as the "Interested Parties" which has centered its efforts on seeking reform and modification of the current hazardous materials incident reporting system.

NTTC stands in support of the representations (in this docket) of the "Interested Parties", so in the interest of the economy of editorial resources, our representations, herein, will be limited.

#### **A RECOMMENDATION SPECIFIC TO THE TANK TRUCK INDUSTRY**

To cut to the chase, NTTC seeks positive consideration of an amendment to 49 CFR ***17 1.16 (c) which would exempt from the reporting regime unintentional releases of Class 3 liquids, having no secondary hazards, in amounts of 5 U.S. gallons or less in those cases where the release did not involve failure or malfunction of the cargo tank or its accessory equipment.***

On an average business day, the tank truck industry makes 48,000 deliveries of gasoline to retail outlets and wholesale users. Not included in this figure are deliveries of other common middle distillate petroleum products such as fuel oil and aviation fuels. While unintentional releases during loading and unloading are not common; neither are such releases rare.

#### **RATIONALE FOR THE PROPOSED AMENDMENT**

A quick read of the history of the Administrator's hazmat incident reporting system verifies the fact that it was implemented in order to produce information on "system failures" of **transportation equipment**. For instance (and with relevance to cargo tanks) were certain vents, valves or other critical safety-related components failing to perform under certain circumstances? If so, RSPA could initiate corrective action by dealing with component manufacturers, the carrier community, or by amending the Hazardous Materials Regulations (HMR).

However, in the case of small spills (releases) of middle distillate petroleum products, we submit that the vast majority of these incidents occur at the unloading site and involve no failure of transportation equipment. Indeed, most such releases are caused by factors such as failure to properly gauge the capacity of the receiving tank, clogged "vent piping" at the receiving location or opening the cargo tank's outlet valve against a closed or clogged inlet valve at the receiving tank. Again, we emphasize that there is no failure or malfunction of either the equipment or procedures covered by the HMR. Typically, these small incidents do not involve summoning emergency service or specialized clean up personnel and are "handled" with the use of bagged absorbents stored at the receiver's facility (or on the cargo tank motor vehicle).

NTTC believes that by granting the requested exemption, the Administrator will remove much of the "clutter" from reporting system and reduce carrier paperwork and reporting requirements without detracting from the prime objective of the system (*i.e. **product loss incident<sup>3</sup> that do involve the failure of transportation equipment will continue to be reported***).

Respectfully submitted:

Clifford J. Harvison  
President